

Acts of Assembly: Electronic Communications Meetings

§ 1. That, in lieu of the provisions of § [2.2-3708](#), any public body, as defined in § [2.2-3701](#), in the legislative branch of state government or (ii) any authority, board, bureau, commission, district or agency of the Commonwealth whose membership includes persons who reside or work more than 55 miles from the meeting location as stated in the required notice for such meeting, shall be authorized to hold meetings via electronic communication means pursuant to this act.

§ 2. "Electronic communication means" means any combined audio and visual communication method that consists of, pertains to, is based on, is operated by, or otherwise involves the control of electrons or other charge carriers to exchange, send, receive, or in any way transmit the public business in a meeting.

"§ 3. 'Emergency' means an unforeseen circumstance that renders the notice required by § 6 impossible or impracticable and that requires immediate action.

"§ 4. 'Meeting' means the meetings, including work sessions, when sitting as a body or entity or informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any entity listed in § 1. 'Meeting' shall not mean any regular, special, or reconvened session of the General Assembly held pursuant to Article IV, Section 6 of the Constitution of Virginia.

"§ 5. For purposes of determining the presence of three members or establishing a quorum, every location where a member of the public body or Board is physically present to discuss or transact the public business through any electronic communication means in a meeting shall be (i) in Virginia and (ii) open and accessible to the public. After the presence of three members or a quorum is established, members of the public body or Board who are not physically present (i) in Virginia or (ii) at a meeting location which is open and accessible to the public, may participate in the discussion of and vote on any matter authorizing the transaction of any public business.

"§ 6. Except in an emergency, notice, including the time, date, place, and general purpose of the electronic communication meeting, shall be provided no less than seven days before the meeting in a manner reasonably calculated under the circumstances to apprise the public of the meeting information.

"§ 7. In an emergency, notice, including the time, date, place, and general purpose of the meeting, shall be provided contemporaneously with the notice provided to members of the Board or of the public body conducting the meeting in a manner reasonably calculated under the circumstances to apprise the public of the meeting information.

"§ 8. Notice for electronic communication meetings continued more than seven days after the meeting date shall be in the same manner as required by § 6. Notice for electronic communication meetings continued less than seven days from the meeting date to (i) address an emergency or (ii) conclude the agenda of the electronic communication meeting, shall be made

during the meeting prior to adjournment and shall include the date, time, place, and general purpose of the continued meeting. The basis for the emergency shall be stated during the meeting prior to adjournment and included in the minutes of the meeting, if minutes are required by § 2.2-3707.

"§ 9. At the time of the meeting, the public shall be provided an agenda and copies of any materials intended for distribution to members of the public body or Board which have been made available to staff in sufficient time for duplication and forwarding to all location sites where public access will be provided. If the meeting includes an opportunity for public comment, all persons attending the meeting at any of the meeting locations where a member of the public body or Board is physically present in Virginia at a location which is open and accessible to the public shall be afforded an opportunity to address the public body or Board. Any interruption in the electronic communication of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

"§ 10. Votes taken during any meeting conducted through electronic communication means pursuant to this act shall be recorded by name in roll-call fashion and included in the minutes of the meeting, if minutes are required by § 2.2-3707.

§ 11. Any public authorized by § 1 of this act to conduct electronic communication meetings shall make an audio or audio/visual recording of any such meeting which recording shall be preserved by such public body for a period of three years from the date of the meeting. Such recording shall be available to the public for inspection and copying pursuant to the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.).

"§ 12. It shall be a violation of this act for any entity listed in § 1, or any members of such entities, to use the provisions of this act to violate the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to discuss or act upon any matters over which such entities have supervision, control, jurisdiction, authority, or advisory powers.

§ 13. By September 15 of each year, public bodies authorized by § 1 of this act to conduct electronic communication meetings shall file with the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science a report on the total number of electronic communication meetings held; the dates and purposes of the meetings; the number of sites for each meeting; the types of electronic communication means by which the meetings were held; the number of participants, including the members of the public, at each meeting; the number of remote participants; ~~and~~ a summary of any public comment received about the electronic communication meetings; and a written summary of the public body's experience using electronic communication meetings, including its logistical and technical experience. The chairman of the public body authorized by § 1 to conduct electronic communication meetings shall make an announcement of the report required by this section during the course of any such meeting.

(Chapter 704 of the Acts of Assembly of 1999, as amended by Chapters 910 and 983 of the Acts of Assembly of 2000, Chapter 429 of the Acts of Assembly of 2002, and Chapter 346 of the Acts of Assembly 2003.)